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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application : Richard G. Henry

For : ZERO VOLATILE ORGANIC  
COMPOUND COMPOSITIONS BASED  
UPON ORGANIC SOLVENTS WHICH  
ARE NEGLIGIBLY REACTIVE WITH  
HYDROXYL RADICAL AND DO NOT  
CONTRIBUTE APPRECIABLY TO  
THE FORMATION OF GROUND  
BASED OZONE

Serial No. : 09/022,779

Filed : February 12, 1998 (CPA filed July 18, 1999)

Examiner : L. Cross

Art Unit : 1721

Last Office Action : November 15, 1999

Attorney Docket No : ACD 2 0016-1

Cleveland, Ohio 44114-2518  
December 3, 1999

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

As a person signing below:

1. I, Richard G. Henry, do hereby declare and say that I am an inventor in the above-identified United States patent application, serial no. 09/022,779, having an effective filing date of July 18, 1997 from U.S. Provisional application serial no. 60/053,073.

2. I have read and am familiar with the translation of Japanese publication JP-08302316, published November 11, 1996.

#15  
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1-10-00

3. I declare that at a date prior to November 11, 1996, the publication date of the JP-08302316 publication, the invention disclosed in the present application was completed in this country. In this regard, I have attached hereto copies of data reproduced from my Laboratory notes (dates omitted), and other technical data material which establishes the completion of the invention prior to November 11, 1996. I hereby declare that the attached evidentiary materials were prepared prior to November 11, 1996.

4. Specifically, Exhibit 1, attached hereto, shows that methyl acetate was identified as a zero volatile organic compound. The methyl acetate was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the methyl acetate/resin combinations are identified as useable in adhesive, ink or coating formulations.

5. In attached Exhibit 2, it shows that the t-butyl acetate was identified as a zero volatile organic compound. The t-butyl acetate was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the t-butyl acetate/resin combinations are identified as useable in adhesive, ink or coating formulations.

6. In attached Exhibit 3, it shows that the C12 to C18 mix of hydrocarbons was identified as a zero volatile organic compound. The C12 to C18 mix of hydrocarbons was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the C12 to C18 mix of hydrocarbons/resin combinations are identified as useable in adhesive, ink or coating formulations.

7. In attached Exhibit 4, it shows that the acetone was identified as a zero volatile organic compound. The acetone was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the acetone/resin combinations are identified as useable in adhesive, ink or coating formulations.

8. In attached Exhibit 5, it shows that the methylene chloride was identified as a zero volatile organic compound. The methylene chloride was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the methylene chloride/resin combinations are identified as useable in adhesive, ink or coating formulations.

9. Each of the dates deleted from Exhibits 1, 2, 3, 4, and 5 are prior to November 11, 1996.

10. It is submitted that the information in attached Exhibits 1, 2, 3, 4, and 5 demonstrate that the invention of each methyl acetate, t-butyl acetate, C12-C18 hydrocarbons, acetone and methylene chloride as zero-VOC solvents in a solvent resin composition was completed in this country at a date prior to November 11, 1996.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard G. Henry 12/06/99  
Richard G. Henry (Date)